

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

References to the Code of Federal Regulations (CFR)
LSA Document #23-29

Overview

The reference to the Code of Federal Regulations at 326 IAC 1-1-3 indicates the yearly edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout 326 IAC, unless a different edition is specified in the rule. The latest version of the CFR contained in 326 IAC 1-1-3 is July 1, 2018. Since that date, several new federal regulations have been promulgated that are not reflected in the current version of 326 IAC. By updating the reference date to July 1, 2022, 326 IAC will be consistent with those regulations that the federal government promulgated between July 1, 2018, and June 30, 2022.

This rulemaking will incorporate citations by reference from Titles 29 and 40 of the CFR into 326 IAC. Title 29 of the CFR contains federal regulations for the asbestos program. Title 29 is referenced in 326 IAC 14 (Emission Standards for Hazardous Air Pollutants) and 326 IAC 18 (Asbestos Management). These regulations are either directly incorporated by reference into 326 IAC as state-enforceable rule provisions or as federal authority for the implementation and enforcement of state rule provisions. Title 40 of the CFR includes all federal environmental regulations promulgated by the United States Environmental Protection Agency (U.S. EPA).

This rule also amends 326 IAC 20-1-1 to incorporate by reference 40 CFR 63, Subpart C (List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List). The federal rule was most recently amended on January 5, 2022, with the addition of 1-bromopropane to the Clean Air Act Section (CAA) 112(b) List of Hazardous Air Pollutants (HAP). Previously, deletion of pollutants were the only changes made to the HAP list in Subpart C, but the January final rule contains the first addition to the HAP list of 1-bromopropane. Therefore, it is necessary to incorporate the list in state rules to ensure that permits are accurately issued and that state rules are consistent with federal standards.

Affected Persons

All stakeholders will benefit from this rulemaking because it updates the state rules for consistency with federal standards.

Reasons for the Rule

The 2022 CFR Update is a codification of the final and effective regulations published in the Federal Register as of June 30, 2022. The federal rule at 40 CFR 63, Subpart C was most recently amended on January 5, 2022, and included the addition of 1-bromopropane to the CAA 112(b) HAP list.

The purpose of this rulemaking is to update state rules at 326 IAC 1-1-3 and 326 IAC 20-1-1, to update the CFR to the July 1, 2022, edition, and to incorporate by reference 40 CFR 63, Subpart C, to ensure consistency with federal rules.

Economic Impact of the Rule

Updating the CFR to mean the July 1, 2022, edition, and incorporating by reference 40 CFR 63, Subpart C, will have a positive effect on business, local governments, and citizens by ensuring that state and federal rules are consistent. Although there may be costs to comply with the rules that have been incorporated by reference, the costs are due to the federal regulations themselves, and no additional costs will be incurred as a result of updating the references to the July 1, 2022, CFR and incorporating by reference 40 CFR 63, Subpart C, in state rules.

Scheduled Board Action and Hearings

Public Hearing: June 14, 2023, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204.

The public may attend the ERB meeting in person or join by using the following Teams link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, at kwalsh@idem.in.gov, or (317) 232-8229, or (800) 451-6027 (in Indiana).